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Patent
Attorney's Docket No. 010315-210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Mail Stop Petitions
Mika Lahtinen et al.)	
Application No.: 10/693,905)	Group Art Unit: 1636
Filed: October 28, 2003)	Examiner:
For: MEDICAL DEVICE)	Confirmation No.: 9474
)	

PETITION UNDER 37 C.F.R. 1.47

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.47 and MPEP 409.03, Applicants hereby petition to proceed with the instant application in the absence of co-inventor Mika Lahtinen. Mr. Lahtinen refuses to sign the Oath and Declaration in the instant application.

Enclosed are Declaration/Powers of Attorney executed by Mikko Laukkanen, Seppo Yla-Herttulala, and Olli-Pekka Leppanen, the three remaining co-inventors in the referenced application. Pursuant to MPEP 409.03(a), the signature block of nonsigning inventor Mika Lahtinen has been left blank.

Also enclosed is a copy of a letter from a representative of the Assignee of the three co-inventors to Mr. Lahtinen seeking his signature on the Declaration; a UPS Waybill evidencing delivery of the declaration to Mr. Lahtinen on 20 August 2004;

09/03/2004 SZEWDIE1 00000001 024800 10693905
01 FC:1460 130.00 0P

and a letter dated 25 August 2004 and signed by two officers of the assignee confirming their attempts to gain Mr. Lahtinen's signature on the declaration.

Pursuant to MPEP 409.03(e), Mr. Lahtinen's last known address is

Mika Lahtinen
Tryffelvagen 14
75646 Uppsala
Sweden

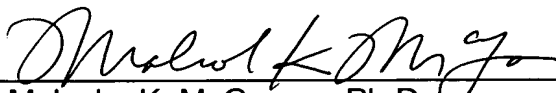
Finally, the petition fee of \$130.00 pursuant to 37 CFR 1.17(h) is enclosed. If any additional fees are required the Commissioner of Patents is authorized to charge Deposit Account 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 1, 2004

By:



Malcolm K. McGowan, Ph.D.
Registration No. 39,300

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

**FIT BIOTECH**

Mika Lahtinen
Tryffelvagen 14
75646 Uppsala
Sweden

Tampere, 20.8.2004


USA:n patenttihakemus Medical Device PCT/SE02/00848

Hei Mika,

voisitko ystävällisesti allekirjoittaa sopimuksemme mukaan liitteenä olevan
valtakirjan sekä postittaa sen takaisin minulle mahdollisimman pian. Paperi on
tarpeen USA:n hakemuksen eteenpäin viemiseen.

Annan mielelläni lisätietoja asiasta.

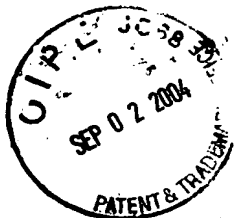
Ystävällisin terveisin


Minna Valtavaara
FIT Biotech Oyj Plc
Biokatu 10
33520 Tampere
Finland

email: minna.valtavaara@fitbiotech.com
puh: +358-3-31387052

*FIT Biotech Oyj Plc.
Lenkkeilijäkatu 10
33520 Tampere
Finland
Tel. +358 3 3138 7000
Fax +358 3 3138 7050
www.fitbiotech.com*

BUSINESS IDENTITY CODE: FI09841834

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY OR DESIGN PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MEDICAL DEVICE

the specification of which (check only one item below):

- ☐ is attached hereto, and was amended on _____ (if applicable).
- ☐ was filed as United States application number _____ on _____
and was amended on _____ (if applicable).
- ☒ was filed as PCT international application number PCT/SE02/00848 on April 30, 2002
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §§119 (a)-(d), 172 or 365 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §§119(a)-(d), 172 or 365:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (MM/DD/YYYY)	PRIORITY CLAIMED UNDER 35 U.S.C. §§119, 172 or 365
PCT	SE02/00848	04/30/2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Finland	20010898	04/30/2001	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Robert S. Swecker	19,885	James W. Peterson	26,057	Harold R. Brown III	36,341
Platon N. Mandros	22,124	Teresa Stanek Rea	30,427	Allen R. Baum	36,086
Benton S. Duffett, Jr.	22,030	William C. Rowland	30,888	Brian P. O'Shaughnessy	32,747
Norman H. Stepno	22,716	T. Gene Dillahunt	25,423	Kenneth B. Leffler	36,075
Ronald L. Grudziecki	24,970	Patrick C. Keane	32,858	Fred W. Hathaway	32,236
Alan E. Kopecki	25,813	B. Jefferson Boggs, Jr.	32,344	Wendi L. Weinstein	34,456
Regis E. Slutter	26,999	Peter K. Skiff	31,917	Donna M. Meuth	36,607
Samuel C. Miller, III	27,360	Richard J. McGrath	29,195	Mark R. Kresloff	42,766
Robert G. Mukai	28,531	Matthew L. Schneider	32,814	Nhat D. Phan	39,581
George A. Hovanec, Jr.	28,223	Michael G. Savage	32,596	Claude A.S. Hamrick	22,586
James A. LaBarre	28,632	Charles F. Wieland III	33,096		
E. Joseph Gess	28,510	Bruce T. Wieder	33,815		
R. Danny Huntington	27,903	Todd R. Walters	34,040		
Eric H. Weisblatt	30,505	Ronni S. Jillions	31,979		

and Malcolm K. McGowan, Ph.D., Reg. No. 39,300

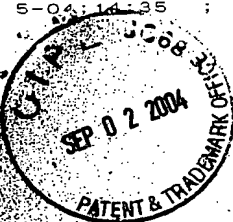
Address all correspondence to: **BURNS, DOANE, SWECKER & MATHIS, L.L.P.**
Customer Number **2 1 8 3 9**
P.O. Box 1404
Alexandria, Virginia 22313-1404

Address all telephone calls to: Malcolm K. McGowan, Ph.D. at (703) 836-6620.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR							
Given Name (first and middle (if any))		Mika		Family Name or Surname		Lahtinen	
Inventor's Signature						Date	
Residence:	City	Uppsala	State	Country	Sweden	Citizenship	
Mailing Address		Tryffelvagen 14					
City	Uppsala	State		ZIP	S-756 46	Country	Sweden
NAME OF SECOND INVENTOR							
Given Name (first and middle (if any))		Mikko		Family Name or Surname		Laukanen	
Inventor's Signature						Date	
Residence:	City	Haapalahti	State	Country	Finland	Citizenship	
Mailing Address		Laukkalansaari, Haapalahdentie 171					
City	Haapalahti	State		ZIP	FIN-81295	Country	Finland

NAME OF THIRD INVENTOR									
Given Name (first and middle (if any))		Seppo			Family Name or Surname		Yla-Herttuala		
Inventor's Signature							Date		
Residence:	City	Vuorela	State		Country	Finland	Citizenship		
Mailing Address		Ruukinpalku 7							
City		Vuorela	State		ZIP	FIN-70910	Country	Finland	
NAME OF FOURTH INVENTOR									
Given Name (first and middle (if any))		Olli-Pekka			Family Name or Surname		Leppanen		
Inventor's Signature							Date 27.4.04		
Residence:	City	Uppsala	State		Country	Sweden	Citizenship		
Mailing Address		Ostra Agatan 51 B							
City		Uppsala	State		ZIP	S-753 22	Country	Sweden	
NAME OF FIFTH INVENTOR									
Given Name (first and middle (if any))					Family Name or Surname				
Inventor's Signature							Date		
Residence:	City		State		Country		Citizenship		
Mailing Address									
City			State		ZIP		Country		
NAME OF SIXTH INVENTOR									
Given Name (first and middle (if any))					Family Name or Surname				
Inventor's Signature							Date		
Residence:	City		State		Country		Citizenship		
Mailing Address									
City			State		ZIP		Country		
NAME OF SEVENTH INVENTOR									
Given Name (first and middle (if any))					Family Name or Surname				
Inventor's Signature							Date		
Residence:	City		State		Country		Citizenship		
Mailing Address									
City			State		ZIP		Country		



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Attorney Docket No. 010315-210

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY OR DESIGN PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MEDICAL DEVICE

the specification of which (check only one item below):

- ☐ is attached hereto, and was amended on _____ (if applicable).
- ☐ was filed as United States application number _____ on _____ and was amended on _____ (if applicable).
- ☒ was filed as PCT international application number PCT/SE02/00848 on April 30, 2002 and was amended on _____ (if applicable).

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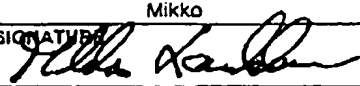
I hereby claim foreign priority benefits under Title 35, United States Code, §§119 (a)-(d), 172 or 365 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

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			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the attorneys and agent(s) associated with the following PTO Customer Number of Burns, Doane, Swecker & Mathis, L.L.P. to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Customer Number **2 1 8 3 9**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	
NAME OF SOLE OR FIRST INVENTOR	
GIVEN NAME (first and middle (if any)) Mika	FAMILY NAME OR SURNAME Lahtinen
INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country) Uppsala, S-756 48, Sweden	CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country) Tryffelvagen 14, Uppsala, S-756 46, Sweden	
NAME OF SECOND INVENTOR	
GIVEN NAME (first and middle (if any)) Mikko	FAMILY NAME OR SURNAME Laukkanen
INVENTOR'S SIGNATURE 	DATE 13.8.2004
RESIDENCE (City, State & Country) Haapalahti, FIN-81295, Finland	CITIZENSHIP Finnish
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country) Laukkalansaari, Haapalahdentie 171, Haapalahti, FIN-81295, Finland	
NAME OF THIRD INVENTOR	
GIVEN NAME (first and middle (if any)) Seppo	FAMILY NAME OR SURNAME Yla-Herttuala
INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country) Vuorela, FIN-70910, Finland	CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country) Ruukkipolku 7, Vuorela, FIN-70910, Finland	

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Application No. TBA
 Attorney Docket No. 010315-210

NAME OF THIRD INVENTOR

Given Name (first and middle (if any))		Seppo		Family Name or Surname		Yia-Herttuala	
Inventor's Signature <i>[Signature]</i>						Date <i>17/5/04</i>	
Residence:	City	Vuorela	State	Country	Finland	Citizenship	
Mailing Address		Ruukinpohku 7					
City		Vuorela	State	ZIP	FIN-70910	Country	Finland

NAME OF FOURTH INVENTOR

Given Name (first and middle (if any))		Olli-Pekka		Family Name or Surname		Leppanen	
Inventor's Signature						Date	
Residence:	City	Uppsala	State	Country	Sweden	Citizenship	
Mailing Address		Ostra Agatan 51 B					
City		Uppsala	State	ZIP	S-753 22	Country	Sweden

NAME OF FIFTH INVENTOR

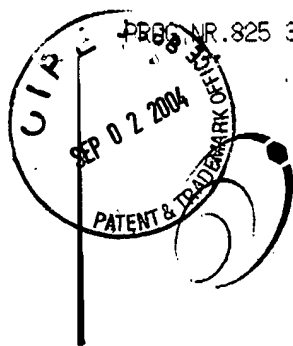
Given Name (first and middle (if any))				Family Name or Surname			
Inventor's Signature						Date	
Residence:	City		State	Country		Citizenship	
Mailing Address							
City			State	ZIP		Country	

NAME OF SIXTH INVENTOR

Given Name (first and middle (if any))				Family Name or Surname			
Inventor's Signature						Date	
Residence:	City		State	Country		Citizenship	
Mailing Address							
City			State	ZIP		Country	

NAME OF SEVENTH INVENTOR

Given Name (first and middle (if any))				Family Name or Surname			
Inventor's Signature						Date	
Residence:	City		State	Country		Citizenship	
Mailing Address							
City			State	ZIP		Country	



FIT BIOTECH

Tampere, 25.8.2004

This is to confirm that attempts of obtaining Mika Lahtinen's signature for this Combined Declaration and Power of Attorney (Attorney Docket No. 010315-210, Medical Device, PCT/SE02/00848) has been made.

FIT Biotech Oyj Plc

Minna Valtavaara, PhD

Liisa Laitinen
Vice President, Finance and Human Resources

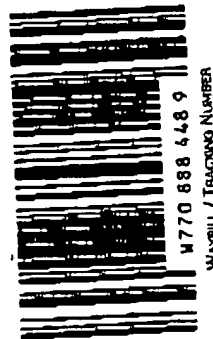
FIT Biotech Oyj Plc.
Lenkkeilijäntie 10
33520 Tampere
Finland
Tel. +358 3 3138 7000
Fax +358 3 3138 7050
www.fitbiotech.com

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NAME OF SENDER Finna Va Hovvood		TELEPHONE NO. (Very Important) 058-3-71187000	
COMPANY NAME AND ADDRESS FIT Biotech Oyji pte			
TYPE WHENEVER POSSIBLE - IF HANDWRITTEN PRESS HARD Biotech Oyji pte			
COUNTRY FINLAND			
POSTAL CODE (Very Important) 33520 Tampere		COUNTRY FINLAND	
RECEIVER'S UPS ACCOUNT NO. 33520 Tampere		TELEPHONE NO. (Very Important) 058-3-71187000	
CONTACT PERSON Mika Lohinen		RESIDENTIAL <input type="checkbox"/>	
COMPANY NAME AND ADDRESS Finna Va Hovvood Oyji pte		COUNTRY FINLAND	
POSTAL CODE (Very Important) 33520 Tampere		COUNTRY FINLAND	
TELEPHONE NO. (Very Important) 058-3-71187000		RESIDENTIAL <input type="checkbox"/>	
COMPANY NAME AND ADDRESS Finna Va Hovvood Oyji pte		COUNTRY FINLAND	
POSTAL CODE (Very Important) 33520 Tampere		COUNTRY FINLAND	



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<input type="checkbox"/>	SATURDAY DELIVERY [®]	<input type="checkbox"/>	SATURDAY DELIVERY [®]
SPECIAL INSTRUCTIONS		SPECIAL INSTRUCTIONS	
The shipper agrees to the UPS Terms and Conditions set out on the reverse of this Waybill. Unless a greater value for insurance is declared on this Waybill, the limits of liability specified under the Warsaw or C.M.R. Conventions (if applicable) or set out in clause 9 of the Terms and Conditions will apply. The time limits for making any claim are set out in clause 12. The shipper authorizes UPS to act as forwarding agent for export control and customs purposes.		8 DATE OF SHIPMENT DO MM YY 2010104	

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<input type="checkbox"/>	UPS EXPRESS NA1 [®]	<input type="checkbox"/>	UPS EXPRESS NA1 [®]
<input type="checkbox"/>	SATURDAY DELIVERY [®]	<input type="checkbox"/>	SATURDAY DELIVERY [®]
SPECIAL INSTRUCTIONS		SPECIAL INSTRUCTIONS	
The shipper agrees to the UPS Terms and Conditions set out on the reverse of this Waybill. Unless a greater value for insurance is declared on this Waybill, the limits of liability specified under the Warsaw or C.M.R. Conventions (if applicable) or set out in clause 9 of the Terms and Conditions will apply. The time limits for making any claim are set out in clause 12. The shipper authorizes UPS to act as forwarding agent for export control and customs purposes.		8 DATE OF SHIPMENT DO MM YY 2010104	

10 SERVICE TYPE		SHIPPER'S COPY	
<input type="checkbox"/>	UPS EXPRESS NA1 [®]	<input type="checkbox"/>	UPS EXPRESS NA1 [®]
<input type="checkbox"/>	SATURDAY DELIVERY [®]	<input type="checkbox"/>	SATURDAY DELIVERY [®]
SPECIAL INSTRUCTIONS		SPECIAL INSTRUCTIONS	
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11 SERVICE TYPE		SHIPPER'S COPY	
<input type="checkbox"/>	UPS EXPRESS NA1 [®]	<input type="checkbox"/>	UPS EXPRESS NA1 [®]
<input type="checkbox"/>	SATURDAY DELIVERY [®]	<input type="checkbox"/>	SATURDAY DELIVERY [®]
SPECIAL INSTRUCTIONS		SPECIAL INSTRUCTIONS	
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12 SERVICE TYPE		SHIPPER'S COPY	
<input type="checkbox"/>	UPS EXPRESS NA1 [®]	<input type="checkbox"/>	UPS EXPRESS NA1 [®]
<input type="checkbox"/>	SATURDAY DELIVERY [®]	<input type="checkbox"/>	SATURDAY DELIVERY [®]
SPECIAL INSTRUCTIONS		SPECIAL INSTRUCTIONS	
The shipper agrees to the UPS Terms and Conditions set out on the reverse of this Waybill. Unless a greater value for insurance is declared on this Waybill, the limits of liability specified under the Warsaw or C.M.R. Conventions (if applicable) or set out in clause 9 of the Terms and Conditions will apply. The time limits for making any claim are set out in clause 12. The shipper authorizes UPS to act as forwarding agent for export control and customs purposes.		8 DATE OF SHIPMENT DO MM YY 2010104	

1. Required for Standard shipments when the BIL Receiver option is selected in Section 3.
2. Available for shipments to certain destinations outside the EU. See instructions.
3. Available for shipments to certain destinations outside the EU. See instructions.

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